

INTRODUCED: March 27, 2023

AN ORDINANCE No. 2023-102

To amend and reordain Ord. No. 2019-080, adopted Apr. 8, 2019, which authorized the special use of the property known as 326 East Broad Street for the purpose of permitting signs with an aggregate area exceeding that permitted by the underlying zoning regulations, to authorize additional square footage of aggregate area for signs, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: APR 24 2023 AT 6 P.M.

I. That Ordinance No. 2019-080, adopted April 8, 2019, be and is hereby amended and reordained as follows:

WHEREAS, the owner of the property known as 326 East Broad Street, which is situated in a B-4 Central Business District, desires to use such property for the purpose of including signs with an aggregate area exceeding that permitted by the underlying zoning regulations, which use, among other things, is not currently allowed by section 30-516, concerning sign regulations for the B-4 Central Business District, of the Code of the City of Richmond [~~(2015)~~] (2020), as amended; and

AYES: 7 NOES: 0 ABSTAIN: _____

ADOPTED: APRIL 24 2023 REJECTED: _____ STRICKEN: _____

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond [(2018)] (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond [(2015)] (2020), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic

or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. Grant of Special Use Permit.

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 326 East Broad Street and identified as Tax Parcel No. N000-0026/016 in the ~~[2019]~~ 2023 records of the City Assessor, being more particularly described on a survey entitled “Encroachment Survey of No. 326 East Broad Street, in the City of Richmond, Virginia,” prepared by McKnight & Associates, P.C., dated July 6, 2018, and last revised November 6, 2018, a copy of which is attached to and made a part of this amendatory ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of permitting signs with an aggregate area exceeding that permitted by the underlying zoning regulations, substantially as shown on the untitled plans prepared by Garriss Signs, and dated ~~[August 10, 2018]~~ November 2, 2018, September 10, 2022, and January 25, 2023, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of this amendatory ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. Special Terms and Conditions. This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as signs, substantially as shown on the Plans, of the aggregate area shown on the Plans, in addition to other uses permitted in the underlying zoning district in which the Property is situated. Signs permitted in all districts pursuant to section 30-505 of the Code of the City of Richmond [~~(2015)~~](2020), as amended, shall also be permitted on the Property.

(b) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond [~~(2015)~~](2020), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable

underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond [~~(2015)~~](2020), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond [~~(2015)~~](2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond [~~(2015)~~](2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

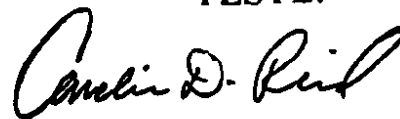
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

II. This amendatory ordinance shall be in force and effect upon adoption.

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Camlin D. Reil".

City Clerk



City of Richmond

Item Request File Number: PRE.2022.0676

RECEIVED
By City Attorney's Office at 3:02 pm, Mar 17, 2023

RECEIVED
By CAO Office at 4:34 pm, Feb 27, 2023

2023-092

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.rva.gov

O & R Request

DATE: February 27, 2023

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

FROM: Kevin J. Vonck, Director, Department of Planning and Development Review

RE: To amend Ord.2019-080 authorizing the special use of the property known as 326 East Broad Street for the purpose of permitting signs with an aggregate area exceeding that permitted by the underlying zoning regulations, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To amend Ord.2019-080 authorizing the special use of the property known as 326 East Broad Street for the purpose of permitting signs with an aggregate area exceeding that permitted by the underlying zoning regulations, upon certain terms and conditions.

REASON: In the B-4 Central Business District, the aggregate area of all signs shall not exceed two square feet per each linear foot of lot. The property has 44 linear feet of lot frontage. Therefore, the aggregate area of all signs shall not exceed 87.34 square feet. The proposed aggregate area for the wall sign (60 square feet) and projecting sign (103.5 square feet) is 163.5 square feet. A special use permit is therefore required in order to allow an additional 76.16 square feet of aggregate area.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council.

BACKGROUND: The subject property, known as 326 East Broad Street, is comprised of .126 acres and is located mid-block between N. 3rd Street and N. 5th Street.

The subject property is designated for Downtown Mixed-Use land use by Richmond 300 Master Plan. This land use category is described as the Central business district of the Richmond region features high-density development with office buildings, residential buildings, and a mix of complementary uses, including regional destinations in a highly-walkable urban environment.

The subject property is located in the B-4 Central Business District, as are properties to the south and west. Properties to the adjacent to the north and east are zoned DCC Downtown Civic and Cultural District. The Greater Richmond Civic Center abuts to the east and north. A variety of commercial uses are in the remaining surrounding area.

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

FISCAL IMPLICATIONS: None

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: March 27, 2023

CITY COUNCIL PUBLIC HEARING DATE: April 24, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
April 17, 2023

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: Amend Ord. 2019-080

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Ordinance Draft, Application Form, Plans, Map

STAFF: David Watson, Senior Planner, Land Use Administration 804-626-1036

**Application for SPECIAL USE PERMIT**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmondgov.com/>

Application is hereby submitted for: (check one)

- ☐ special use permit, new
☒ special use permit, plan amendment
☐ special use permit, text only amendment

Project Name/Location

Property Address: 326 E Broad St

Date: 12/9/22

Tax Map #: N000-0026/016 Fee: \$200

Total area of affected site in acres: _____

(See **page 6** for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: B-4 Central Business District

Existing Use: Sign

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

Need an amendment to a special use permit for new signage.

Existing Use: Sign

Is this property subject to any previous land use cases?

Yes

No



If Yes, please list the Ordinance Number: 2019-080

Applicant/Contact Person: Michael Garriss

Company: Garriss Signs Inc.

Mailing Address: 4250 Pierce rd

City: Powhatan

State: Va

Zip Code: 23139

Telephone: (804) 398015

Fax: ()

Email: Garrissigns@gmail.com

Property Owner: Monument Development Eleven

If Business Entity, name and title of authorized signee: Chris Johnson

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 1425 E Cary Street

City: Richmond

State: Va

Zip Code: 23219

Telephone: (804) 303-7349

Fax: (804)

303-7348

Email: cjohnson@themonumentcompanies.com

Property Owner Signature:

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)



Channel letters neon sign.
Channel letters with neon lights, black trim cap with clear faces, black returns.
Sizes and colors as depicted on the drawing.



Pierce Rd, Powhatan, Va. 23139
CELL (804) 598.1127
FAX (804) 598.6684
Email - GarrisSigns@gmail.com

A FULL SERVICE SIGN SHOP

LED & NEON
SPECIALISTS

Approved by:

Date of Approval:

DESIGNER: MAVLUD
DATE: 01/25/23

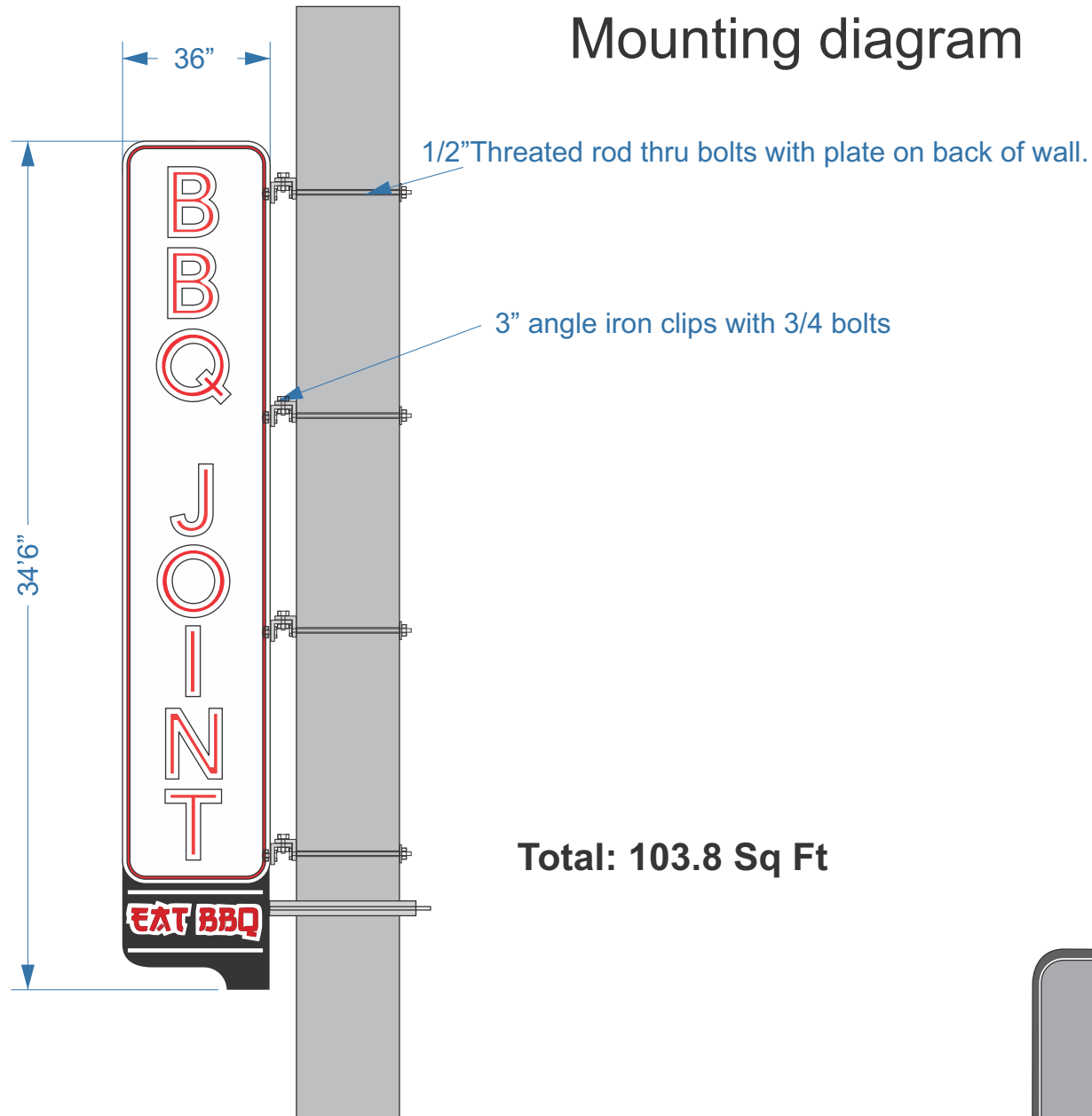
This is the original and unpublished property
of Garris Signs and may not be copied,
duplicated or exhibited in any way without
written approval of Garris Signs.



Underwriters
Laboratories Inc.®

INSTALL IN ACCORDANCE WITH THE
NEC AND LOCAL ELECTRICAL CODES.

Mounting diagram



Channel letters neon sign.
Channel letters with neon lights, black trim cap with clear faces, black returns.
Sizes and colors as depicted on the drawing.

Powhatan, Va

Pierce Rd, Powhatan, Va. 23139
CELL (804) 598.1127
FAX (804) 598.6684
 Email - GarrisSigns@gmail.com

A FULL SERVICE SIGN SHOP

LED & neon
SPECIALISTS

Approved by: _____

Date of Approval: _____

DESIGNER: MAVLUD
DATE: 11/02/18

This is the original and unpublished property of Garris Signs and may not be copied, duplicated or exhibited in any way without written approval of Garris Signs.

Underwriters Laboratories Inc.®

INSTALL IN ACCORDANCE WITH THE NEC AND LOCAL ELECTRICAL CODES.



60 Sq Ft

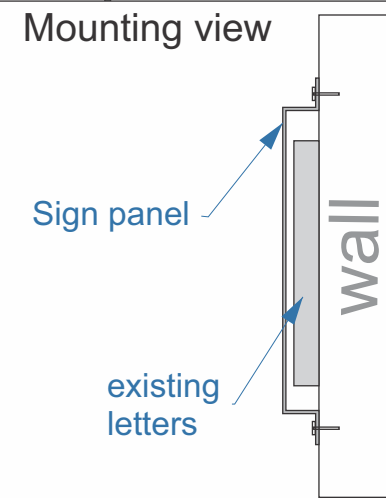
Black 0.80" baking panel with digital print/laminated. Non illuminated.
 Sizes and colors as depicted on the drawing.

Garris Signs
 Powhatan, Va

Pierce Rd, Powhatan, Va. 23139
CELL (804) 598.1127
FAX (804) 598.6684
 Email - GarrisSigns@gmail.com

A FULL SERVICE SIGN SHOP

LED & NEON SPECIALISTS



Approved by:

Date of Approval:

DESIGNER: MAVLUD
DATE: 09.10.22

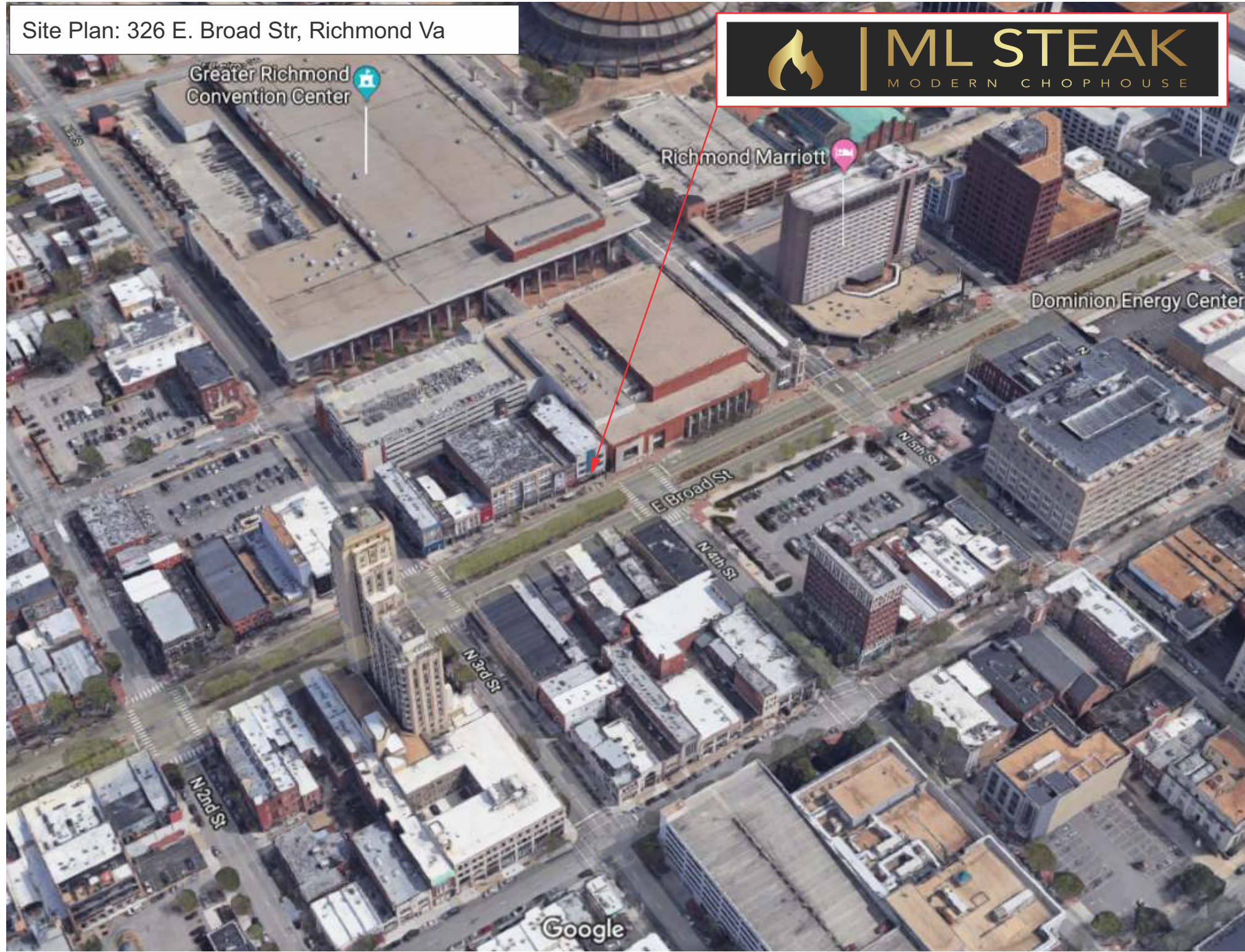
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INSTALL IN ACCORDANCE WITH THE
 NEC AND LOCAL ELECTRICAL CODES.

total
feet

Site Plan: 326 E. Broad Str, Richmond Va



Greater Richmond
Convention Center

Richmond Marriott

Dominion Energy Center

E Broad St

N 4th St

N 3rd St

N 2nd St

Google

N O R T H 3 R D S T R E E T

E A S T M A R S H A L L S T R E E T

10' +/- PUBLIC ALLEY

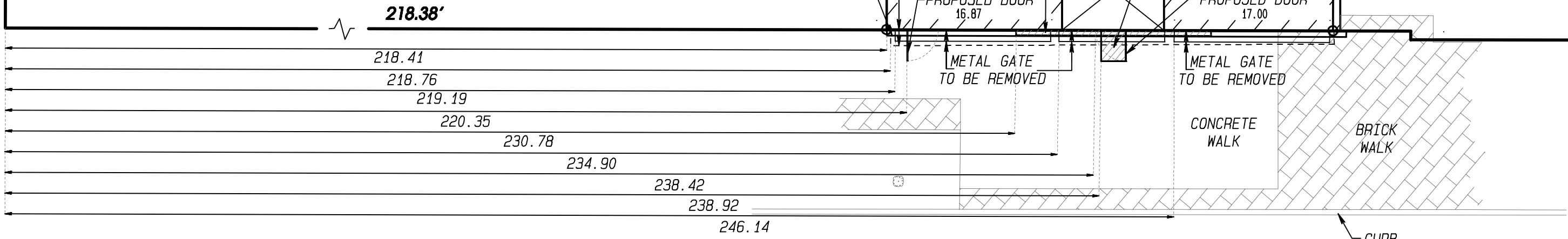
CITY OF RICHMOND
BASELINE SHEET 1 S.E.

T.M.#
N0000026016
5450.39SQ FT
0.1251ACRES

THREE STORY
BRICK
W/BSMT
No. 326

ENCROACHMENTS

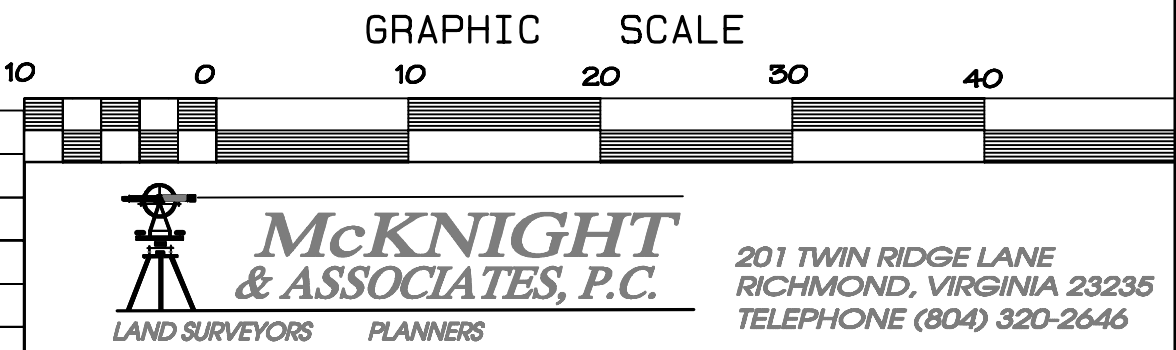
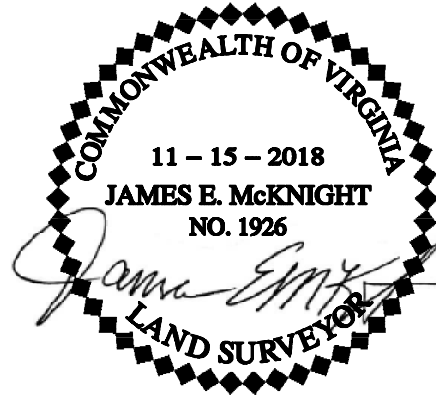
No.	DESC.	DIMENSION	SQUARE FEET
1	CORNICE	0.6' x 44.3'	26.6
2	AWNING	1.6' x 42.8'	68.5
3	PROPOSED DOOR	3.0' x 3.0'	9.0
4	PROPOSED SIGN	0.5' x 18.8'	9.4
5	PROPOSED SIGN	3.0' x 2.4'	7.2
6	PROPOSED DOOR	3.0' x 3.0'	9.0
TOTAL			129.7



E A S T B R O A D S T R E E T

118' +/- PUBLIC R/W

ENCROACHMENT SURVEY OF
No. 326 EAST BROAD STREET,
IN THE CITY OF RICHMOND, VIRGINIA.



RICHMOND CITY
VIRGINIA
SHEET 1 OF 1
DRAWN BY: N.J.M.
CHECKED BY: J.E.M.
DATE: JULY 6, 2018

Revised: November 6, 2018